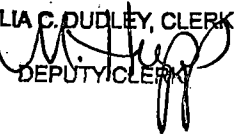


FEB - 9 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

JAMES L. JACK,
Plaintiff,

v.

CONNIE C. SMITH, et al.,
Defendants.

) Civil Action No. 7:14-cv-00560
)
)
)

) MEMORANDUM OPINION
)

) By: Hon. Jackson L. Kiser
) Senior United States District Judge

James L. Jack, a Virginia prisoner proceeding pro se, filed a civil rights action pursuant to 42 U.S.C. § 1983, naming a business owner and law enforcement officers as defendants. The law enforcement officers have been dismissed from the case, and the remaining defendant, the business owner, filed a motion for summary judgment. The next day, the Clerk issued a Notice that advised Plaintiff that a motion for summary judgment was filed and that Plaintiff had twenty-one days from the Notice to file a response. The Notice further advised:

If Plaintiff does not respond to Defendant's pleadings, the Court will assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant states in their [sic] responsive pleading(s). If Plaintiff wishes to continue with the case, it is necessary that Plaintiff respond in an appropriate fashion However, if Plaintiff does not file some response . . . , the Court may dismiss the case for failure to prosecute.

Notice (ECF no. 30) (original emphasis).

Despite receiving two extensions of time, Plaintiff did not respond to the motion for summary judgment or as required by the Notice, and the Notice was not returned to the court as undeliverable. Pursuant to the Notice, I find that Plaintiff has failed to prosecute this case. Accordingly, the complaint is dismissed without prejudice as against the remaining defendant for Plaintiff's failure to prosecute, pursuant to Fed. R. Civ. P. 41(b), and all pending motions are denied without prejudice as moot. See Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)

(“The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an ‘inherent power,’ . . . necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.”).

ENTER: This 9th day of February, 2016.


Senior United States District Judge